216 of 92

G. R. S. IX-5]

Previous references.

1891-92
~~192~~.
(L.R.)

File No. 197

Serial Nos. 4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 - 4

Part B for 1st December 1892

SUBJECT.

Cancellation of the patta of Thimmaraja Shanbogue of Joisara haveinahalli, Channarayapatna Taluk, for Survey no. 14.

To Thimmaraja, Joisara haveinahalli, Channarayapatna Taluk

A.S. no. 28 dated 1-12-1892

informing that the Deputy Commr has been requested to the transfer of patta in his name.

Countermarked
S. Rutt

WD 2233—GPB—20,000—11-6-20

Memo

=

Petition no: 581 of 1892

Appellant - Shambhoj
Jiu manaya
of Jotiara Mavin-
-halli, Chenna-
-raya patana H.
Hassan District.

Stmt: no: 14 (part) Stamp Act: a f. 3 1-4-0.

of the Mavinhalli village
was in the Khate of
Bori Kom Naiya. On
11th: November 1889
a Raji. Kabuli was
presented to the Amildar
transferring the land
to Shambhoj Jiu mai-
naiya (Appellant). On
26th February 1890 the
Dy Comr. as Jamabandi
Officer &. sanctioned
the transfer. Patta
was made out in
the name of the Appellt:

On 9th: January 1892

Ranji, brother of Bori's husband's elder brother Jungu Complained to the Dy Coms:-

(1) That the land was in the enjoyment of Bori & herself

(2) That the Appellant had prevented her from taking the Crop, alleging that the land had been sold to him by Bori and the Patta made out in his name

(3). That the land was her ancestral property and that the Patta should be made out in the names of her son & herself.

On 19th: January 1892 the Dy Coms: fined the Appellant Rs: 10/- for not attending his Camp at Hiri save with the Sale deed stated by him to have been executed by Bori evidencing the transfer of the land, and for having failed to shew that the transaction was bona fide, and

directed the Amildar to make an enquiry into the matter & submit the Roys.

On perusing the record of enquiry made by the Amildar and Examining Bori the Dy Coms: arrived at the Conclusion that the transaction was fraudulent and directed that the Patta of the land in the name of the Appellant should be cancelled and the land registered in the name of Ranji son Ranji. The order is dated 14th: March 92

The appeal is against the above order and the order dated 19th January 1892 fining the Appellt. Rs 10/-.

The appellant alleges.

(1) That Bori sold him the land on 6th Sept. 1889 for Rs: 30/- as evidenced by the plain paper sale deed produced.

(2). That the transferred

the land by means
of the Kapi-Kabuli deed
11th November 1889.

(3) As sanctioned by
the Dy Comr in February
1890 the Khata was
made out in the name
of the Appellant in 1889-90

(4) That he has been
in enjoyment of the
land since then
paying the Kandayam
to Govt.

(5) That the Dy Comr
interfered with the
order passed by the
Permanent Dep Comr.
when Ranji was
set up to Complain
against him

(6) That the transaction
is not fraudulent

(7) That he could not,
attend the Dy Comrs
Camp at Hiri Save
as ordered, as his
son was sick and
that he was unjustly
fined.

The three witnesses produced
by the Complainant
Ranji supported her

(2)

Memo

Re - Transfer of Part of Land.

Submitted to the Council

17/11/92

Heard 24th Nov 92

Same noted in DR

& Ranjit to see

17/11/92

Accepted
25-10-92

~~to the deed transfer for the maintenance~~ ~~of~~, cancelled the transfer in March 1892, ~~the appeal argument thereafter~~ & ordered the Patta to be issued in the name of the Respt's son.

The appeal against this order.

From the records of the case, & the argument made at the hearing, there is no doubt that the land transferred to the appt was given for her maintenance, but the Govt do not see that the transfer made by a Khatadar can be refused to be accepted on the complaint of a third party so long as the transferor does not object. The Dy Comr's Cancellation of the transfer was using his order is hereby cancelled. A Revenue transfer of Patta does not give any absolute Right, & there is nothing to prevent the Respt from establishing her right in Civil Courts. Whether Respt or the

the Enjoyment of half
of the Land does not appear to
be doubtful — but of the two
Enjoyment, the transfer of
Palles interest affects it.

MH
25/7/92

Mrs informed that
Mr Dr Carbery has been
requested to transfer
Mr Palles in her name!!

MH

28/7/92

No 57 Q Encl issued

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

2

OFFICIAL MEMORANDUM.

The accompanying Petition No. 587

dated 16 Dec 92 received at the Dewan's Office from Muneppa Municipal Jisara Nagamangala, Hemmaraja Urs Taluk, praying that the Sketta pt land C.No. 17 which he purchased may be issued in his name.

is forwarded, together with its 2 enclosures, to the Deputy Commr Nagamangala Dist for submission Report with a sketch on the back, of the case for the points taken in the petition The petition should be returned

By Order,

Chief Secretary.

BANGALORE, 4-Dec 1892.

(1) Status quo
(2) Copy
(3) Appeal in time
(4) Call for

4

5.

6.

(General Serial No. 30.)

OFFICE OF
1892. 1276.
Pet 59.

From

The Commissioner
Kaspa District.

To

The Chief Secretary to the Dewan
of Mysore.

Dated 30th July 1892

Despatched 2d August 1892.

Received

Enclosures No. Petition & its Enclos. & File of P.P.

General No. 283 2 a memo.

No.

In reply to 57 Dated 4th June 1892

SUBJECT.

Submitting report, on the totalities with Memo
petition from Shanbogue
Thimmanna of
Jorsara Ravinahalli
Channagadaha Taluk
praying that Patta for
land Survey No 14, which
he purchased may be
joined in his name &c.

References (to be entered only in the Dewan's Office).

5/8/92

(3)

The Commissioner's Office

Kapas District

No. 283 Miller
Regd. Mitcham

Dated Cangkat Lada 30th Sept. 1894

From,

The Commissioner
Kapas District,

To,

The Chief Secretary to the
Govt. of Singapore,

Sir,

With reference to your Official Memo No. 57 dated 6th June last, I have the honor to forward herewith the necessary records in the Court in connection with the complaint of Sinnamuttu, Sivagnana of Chemanggala Padi, regarding the cancellation of his Lot of Survey No. 14 together with explanatory notes on the points raised in the petition. —

The original petition together with other papers is likewise herewith returned.

I have the honor to be,
Sir
Your most obt. Servt.

[illegible]
Commissioner, Kapas

— The Commissioner, Kapas

Memo

The following are the replies to the
points raised in the petition.

1/2. It was ascertained at the time
of Jamadanaji that the sale was fic-
-titious and the seller was allowed
to enjoy the land until her death.
This fact was clearly admitted before
me by the so called seller and stated
that a document was drawn to
that effect and that she should serve
the Shambaque until her death and
promised to go and get the same.
The woman did not thereafter appro-
-ached and when she was sent for,
in order to dispose of the complaint
of one Ramjee, Sirkemidan of Bori,
the so called seller to the Shambaque,
She set up fabricated to produce the
document but changed her version
altogether to my greatest surprise.
There was no doubt she was tampered
with by the Shambaque who was

interested in the matter and his fraudulent transaction were about to be exposed. The marriage was illegal and the Plaintiff, the Petitioner, obtained Ex parte the record of transfer in his name and with the ordinary course of business brought them placed before the Auditor and the Journalizing officer and got it passed without being questioned which is generally the case. -

3. This has been aggravated. On the complaint of Ranjee the matter was enquired into and the fraudulent transaction of the petitioner was apparent - Ranjee has enjoying half of the land and the other half was in possession of Bacci for maintenance. The Plaintiff got a grant made in his name for this land. This was executed by me but transferred in the name of Ranjee's Son. -

4. The Plaintiff was cast in the name of Ranjee's husband and a portion

of land said to have been sold to the Shanbagus was given to Bai for Maintenance. Roger Twisden described as a middle aged widow stated that she employed the land during her life time and left the same to her servant, Ranjee's son. -

5. This calls for no remarks -

6. Soma connected that he acted with fraud in the case - Bai Jiva - mised to bring a document, but did not do so and when sent for, She changed her version altogether. The Shanbagus promised to bring up the paper to a next station but he also failed to do so. His plea that his son was sick and he could not therefore go to the next station is not only unbelievable, but also throws more suspicion and point out clearly that he wanted to avoid the occasion If he was honest and if his transa - actions were bonafide, he would not have been absent when he was sum - moned & asked by his Superior to do so. He was fined because he did not only

failed to produce the document which he said he had in his possession but caused a needless delay to the proceedings by going out of Court for a few minutes together. That his failure to attend Court with the document the following day shows that he may easily be induced from a supposed duty. He should not have failed to obey the order of a Superior Officer. This was a grave offence with which he was charged and for which he was fined.

7. This finding was not the kind of order contemplated by the Standing Rules. This was passed in ordinary course of routine by the Commanding officer generally without any scrutiny on his part.

It is not unknown that in villages that the people generally submit to the influence of Shanbhogues & Patels though against their will and do not know how to get rid of them. Their powers and consequently their

helpless

condition made from to the the States
of the said, village Savanna. In this
instance it came to light that the
petitioner, Botonz took away the land
from Ben Lutcher made Ben to be
his servant for their life. The woman
who in the first instance, rated
Ben awful Shanginy, Peterene
and others to injure changed
when she next appeared. Inspect
Said not record her statement then
and there and answer Expected
that she would retract her statement.

Although the Shanaque got the
Patta made in this name in 1889-90
yet he was not taken in possession
and enjoyment of the land. It was
only in the month of January last
that he entered upon the land &
removed Cocoanut trees there-
from as alleged by the petitioner
Ranjee and this fact was admitted
before me by the Shanaque himself.
Board noted & stated before me that
she was enjoying the land, but has also

objected to that effect before the
Auditor - But the Chancellor
has subsequently admitted evidence
to the effect that he was engaging
the land since it's transfer. From
this it is apparent that the evidence
admitted subsequently is not the
Conclusion..

Yr. Hon. ble
Offg. Dy. Commissioner
Bassein District

Before the Government of *His Highness* the Maharaja of Mysore.

Petn
Appeal No. 531 of 16th January 1893.

Appellant. Vs. Respondent.

Timmanniah of ~~Nagamangala~~ Jorisara Thammihalli Vs. Nanji
Channarayapatna taluq.

Decision. 26-11-92.

Part of No. 14 (ac 1-3 assessed at Rs 1-4.) was in the Khata of one Bori, widow of Ranga. In November 1889, the Khatadar transferred the Patta to the Appellant, and the transfer was sanctioned by the Deputy Commissioner and Patta made out in his name in February 1890.

2. In January 1892, another woman named Nanji the widow of the brother of the husband of the Khatadar, complained that she had half share in the land and that even the other half was given to Bori for her maintenance, and that the

transfer was irregular. There was some oral evidence that the complainant was enjoying half of Rs 14, the other half being in the enjoyment of Bori who sold it to the Appellant, and that the half given to the seller Bori was for her maintenance. His statement that it was given for her maintenance, being corroborated by the fact that the son of Bori died while the husband of Ranji was alive and that, out of a land assessed at Rs 5 belonging to the family, only land assessed at Rs 1-4-. is in the Khata of the seller Bori, the whole of the remaining land was in the enjoyment of the complainant Ranji. The Deputy Commissioner cancelled the transfer in March 1892 and ordered the Patta to be issued in the name of the Respondents' son.

Entrusted - Ranji (complt) with Bori 4th all

Do. all

Do all

3. The appeal against this order.

4. From the records of the case and the enquiry made at the hearing, there is no doubt that the land transferred to the Appellant was given to Bori for her maintenance but the Government do not see how the transfer made by a Bhatadar can be refused to be accepted on the complaint of a third party so long as the transferer does not object. The Deputy Commr's cancellation of the transfer was wrong and his order is hereby cancelled. A Revenue transfer of Patta does not give any absolute right, and there is nothing to prevent the Respondent from establishing her right in Civil Courts. Whether Respondent is in the enjoyment of half of the land or not appears to be doubtful,

(28)

draft if the loan Enjoyment, the transfer of Salta will not affect it.

By order

1/12

Redraft

1/12/92

766 dated 1/2 — 11 — 92 for Chief Secretary.

Copy to the Deputy Commr Thursday

Date with the usual proceedings received with his No 2383 of 30th July 1892.

"By order"

1/12/92

for Chief Secretary

D. M

A.S. No 28

R. 157-11-94

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
1 2 November 1892.

Endorsement granted to Timmanniah of Chinnarayapatna Taluk
in reply to his Petition Registered No. 557 dated 16th May 92.

Petitioner is informed that the Deputy Commissioner has been requested to transfer the Patta in his name, but without prejudice to the rights of the Respondent who alleges to be in possession and enjoyment of half the land in dispute.

2 The enc: are returned.

1/12

"By Order,"

Redraft

1/12/92
for Chief Secretary.

2/12/92

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.

(5)

2

in saying that a portion
of the land in dispute
was in her enjoyment
in accordance with the
arrangement come to
between Bori and
Nanji's husband (deceased)
Ninga.

The appellant produced
the sale deed dated 6th
September 1889. The
attesting witness proved
the execution and the
passing of the consideration
The original Rajkabuli
of the Deputy Collector
forming the Kotta to Appeln
No. 1 form part of
the record.

The record of enquiry
shows that the land
was given to Bori for
her maintenance.
Bori states before the
Deputy that the land
is in her enjoyment
that she has been
the Sheristadar (Applts
servant.

(6)

The reasons given by the Dy Comr for cancelling the Appellant's patta in the Appellant's name are -

(1) that the transaction is fraudulent is apparent.

(2) that the Thambhup Committee meeting

(3) Half the land is in the enjoyment of ~~xx~~ Ramji and it was wrong on the Thambhup part to have sheka land transferred in his name.

N
17/9/92

The Dy Comr has submitted an explanatory memo in reply to the points raised by the Appellant

N
17/9/92

(4)

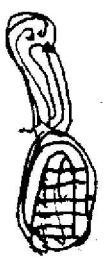
OM No 581 of 16 Jan 1892

Applt—

Timmanneah
of Maganhalli
Chennarayapatna
Taluq

Respt

Ranji



Part of No 114 (Rs 1.3 ass.) at Rs 1-4-)

was in the Khata of one ~~Kempa~~ Hori
widow of Ranja. In June 1889, the
Khatadar transferred the Patta to the
applt, & the transfer was sanctioned
Patta made out in her name) in Feby
1890.

In January 1892, another woman named Ranji
widow of the brother of the husband of the
Khatadar complained that she has been
in the land & that even the other half was
given to her for her maintenance, & the transfer
was irregular. Notice issued

Several

Evidence that the Complainant

was enjoying half ~~the land~~ sold by the appt

of Rs 14, the other half ~~has been~~ ~~sold by the appt~~

~~and the appt~~ being in the enjoyment

of Nanji who sold it to the

appt ~~There is no evidence that~~

~~in the land sold to the appt~~, the

complainant had any share, but

there is several testimony that

the half given to the seller Nanji

was for her maintenance. This

~~fact that~~ statement that it was given

for her maintenance being corroborated

by the fact that the son of the Wor

~~Complainant~~ aged ~~here after~~ while

husband of Nanji was alive

~~death of the husband of the seller Nanji~~

& that out of a land assessed at

Rs 8 belonging to the family, and so

assessed at Rs 1-4 as in the ~~enjoyment~~

of the seller Nanji, the other half remain

land ~~has~~ was in the enjoyment of

the Complainant Nanji, ~~or the~~

~~former~~, the Dft Cent, ~~taken the~~

~~the land in question~~ was

ਕੀ ਹੈ :

ਤਾਂ ਜੋ ਉਹ ਆਪਣੀ ਸਮਰੱਥਾ ਅਨੁਸਾਰ ਕੰਮ ਕਰ ਸਕੇ ਅਤੇ ਉਸ ਨੂੰ ਉਸ ਦੀ ਲੋੜ ਅਨੁਸਾਰ ਮਿਲ ਸਕੇ।